

HOUSE BILL 92
By Overbey

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 11, Part 2, relative to certain disclosures
relating to liability insurance coverage of certain
facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-257, is amended by deleting subsections (a) and (b) and by substituting instead the following:

(a)

(1) In addition to any other disclosure required by this part, prior to the admission of a resident to an assisted-care living facility or residential home for the aged regulated pursuant to this chapter or prior to the execution of a contract for the care of a resident in such a facility, whichever occurs first, the facility shall disclose in writing to the resident or to the resident's guardian, conservator or representative, if any, that the facility does not have:

(A) A fire suppression sprinkler system throughout the facility;

(B) A smoke detector or alarm in each patient room; or

(C) Neither a fire suppression sprinkler system throughout the facility nor a smoke detector or alarm in each patient room.

(2) Such disclosure shall be made on a form separate from the contract for the care of the resident and shall be printed in bold type and in no less than size twelve (12) font. The form must be signed by the resident or the resident's guardian, conservator or representative, if any, and the signature must be witnessed. If the resident cannot read, the form must be read aloud to the resident. If the facility maintains an internet website, the disclosure must also be made on that internet website.

(3) In addition to any other disclosure required by this part, prior to the admission of a resident to a nursing home, an assisted-care living facility or residential home for the aged regulated pursuant to this chapter or prior to the execution of a contract for the care of a resident in such a facility, whichever occurs first, the facility shall disclose in writing to the resident or to the resident's guardian, conservator or representative, if any, whether the facility has liability insurance and the identity of the insurance carrier. The disclosure shall comply with the provisions of subdivision (a) (2).

(b)

(1) All assisted-care living facilities and residential homes for the aged regulated pursuant to this chapter shall post a statement, if applicable, that the facility does not have:

- (A) A fire suppression sprinkler system throughout the facility;
- (B) A smoke detector or alarm in each resident or patient room; or
- (C) Neither a fire suppression sprinkler system throughout the facility nor a smoke detector or alarm in each resident or patient room.

(2) Such signs shall be printed in not less than twenty-four (24) point type and in addition to being displayed at the main public entrance shall be prominently displayed at all entrances to the facility.

(3) All nursing homes, assisted-care living facilities and residential homes for the aged regulated pursuant to this chapter shall post a statement, indicating whether the facility has liability insurance and the identity of the insurance carrier. The disclosure shall comply with the provisions of subdivision (b) (2).

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.